

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOHN LAIRD

APPELLANT

VS.

CIVIL ACTION NO. 5:16-cv-56(DCB)(MTP)

VALERIE DENISE NICKELSON

APPELLEE

IN RE: VALERIE DENISE NICKELSON,
DEBTOR

CASE NO. 15-01271-NPO
CHAPTER 13

VALERIE DENISE NICKELSON

PLAINTIFF

VS.

ADV. PROC. NO. 15-00046-NPO

FRANKLIN CHECK SERVICE, LLC,
and JOHN LAIRD

DEFENDANTS

ORDER

This bankruptcy appeal is before the Court sua sponte to address the appellant John Laird's failure to file an appellate brief. The appellee previously filed a motion to dismiss based on the appellant's failure to file a timely brief. Instead of granting the motion, the Court granted the appellant additional time, until October 6, 2016, to file his brief. Forty-eight days have passed since the appellant's brief was originally due.

The Court now finds that the appeal should be dismissed for the appellant's failure to prosecute his appeal. See In re Salter, 251 B.R. 689, 692 (S.D. Miss. 2000). The United States Court of Appeals for the Fifth Circuit has affirmed dismissals of bankruptcy appeals when the appellant failed to file a brief within the

required initial period. See International Brotherhood of Teamsters v. Braniff Airways, Inc., 774 F.2d 1303 (5th Cir. 1985); Pyramid Mobile Homes, Inc. v. Speake, 531 F.2d 743 (5th Cir. 1976).

Accordingly,

IT IS HEREBY ORDERED that this bankruptcy appeal be dismissed with prejudice.

A Final Judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure will be entered this day.

SO ORDERED, this the 26th day of October, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE